

CERTIFIED TRUE COPY

ATTEST: WILLIAM M. MCCOOL

Clerk, U.S. District Court

Western District of Washington

By Shelley Gaudin

Deputy Clerk



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOHN DARRELL HECKENDORN,

Defendant/Judgment Debtor,

and

FRED MEYER,

Garnishee.

NO. 18-MC-50-RSL

(2:01-CR-0053-2)

**Notice to Defendant/
Judgment Debtor From Clerk,
United States District Court**

TO: JOHN DARRELL HECKENDORN:

You are hereby notified that a garnishment action is being taken by the United States of America, which has a Judgment from the U.S. District Court for the Western District of Washington, in *United States of America v. John Darrell Heckendorn*, No. 2:01-CR-0053-2 (June 21, 2001), in the amount of \$80,700.00, consisting of \$80,000.00 in Restitution, and \$700.00 in a Special Assessment. A balance of \$76,568.35 remains outstanding as of April 5, 2018.

1 In addition, you are hereby notified that there are exemptions under federal law that
2 may protect some of your property from being taken by the Government, if you can show that
3 the exemptions apply. Attached is a summary of the major exemptions, entitled "Claim for
4 Exemption Form/Notice of Consumer Credit Protection Act Form," which may apply to this
5 action. A "Notice to Judgment Debtor on How to Claim Exemptions" also accompanies this
6 Notice.
7

8 You, John Darrell Heckendorn, have a right to ask the Court to return your property to
9 you if you believe the property the government is taking qualifies under one of the exemptions
10 listed in the attached exhibit. You also have the right to explain to the Court that the United
11 States is not in compliance with any statutory requirement for the issuance of this garnishment,
12 if that is your position.
13

14 If you want a hearing, you must notify the Court within **twenty (20) days** after receipt
15 of this Notice. Your request must be in writing. If you wish, you may use the attached
16 "Request for Hearing Form" to request the hearing. To request a hearing, you must do all of
17 the following:
18

19 (1) Either mail your original request for hearing via First Class Mail, or deliver it in
20 person to the Clerk of the United States District Court for the Western District of Washington,
21 700 Stewart Street, Lobby Level, Seattle, WA 98101; and

22 (2) Either mail a copy of your request via First Class Mail, or deliver it in person to
23 Fred Meyer, Attn: Hr., 5502 Point Fosdick Dr. NW, Gig Harbor, WA 99335; and

24 (3) Either mail a copy of your request via First Class Mail, or deliver it in person to
25 the United States Attorney's Office for the Western District of Washington, Assistant United
26
27
28

1 States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit, 700 Stewart Street, Suite 5220,
2 Seattle, WA 98101.

3 The hearing, when appropriate, will take place within approximately five (5) days after
4 the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that
5 as possible, pursuant to 28 U.S.C. § 3202(b).

7 At the hearing, you may explain to the Court why you believe the property the
8 Government has or is taking is exempt. If you do not request a hearing within **twenty (20) days**
9 of the receipt of this Notice, your property may be seized and payment used toward the money
10 you owe the Government.

11 If you think you live outside the Federal Judicial District in which this Court is located,
12 you may request, not later than **twenty (20) days** after you receive this Notice, that this
13 proceeding to take your property be transferred by the Court to the Federal Judicial District in
14 which you reside. To make such a request, do all of the following:

- 16 (1) Make your request for a transfer in writing; and
17 (2) Either mail a copy of your request via First Class Mail, or deliver it in person to
18 the Clerk of the Court, 700 Stewart Street, Lobby Level, Seattle WA 98101; and
19 (3) Either mail a copy of your request via First Class Mail, or deliver it in person to
20 Fred Meyer, Attn: Hr., 5502 Point Fosdick Dr. NW, Gig Harbor, WA 99335; and
21 (4) Either mail a copy of your request via First Class Mail, or deliver it in person to
22 the United States Attorney's Office for the Western District of Washington, Assistant United
23 States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit, 700 Stewart Street, Suite 5220,
24 Seattle, WA 98101.

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1 It is recommended that you keep a copy of this Notice for your own records. If you
2 have any questions about your rights or about this procedure, you should contact a lawyer, an
3 office of public legal assistance, or the Clerk of the Court. The Clerk is not permitted to give
4 legal advice, but may be able to refer you to other sources of information.
5

6
7 DATED this 19th day of April, 2018.

8
9 William McCool
CLERK, U.S. DISTRICT COURT

10
11 By: Sherry Gauthier
Deputy Clerk



REQUEST FOR HEARING FORM

Court Number: _____

☐ I am requesting a hearing because (please check applicable reason(s) below):

☐ The property that the Government is taking is exempt. (See completed attached Claim for Exemption Form)

and/or

☐ The government has not complied with the statutory requirement for the issuance of the Post-Judgment remedy.

Explain why:

☐ Please give Notice of pleading requirements and/or for hearing to me by mail to the address below:

Date: _____

John Darrell Heckendorn, Defendant/Judgment Debtor

Defendant/Judgment Debtor's Signature

Address:

Telephone Numbers:

() _____

Home No.

() _____

Cellular No.

() _____

NOTICE TO DEFENDANT/JUDGMENT DEBTOR
ON HOW TO CLAIM EXEMPTIONS

The attached post-judgment process has been issued on request of the United States of America.

Federal law provides that certain property and wages cannot be taken, and these laws may be applicable. Such property is said to be exempted. The attached Claim for Exemption Form/Notice of Consumer Credit Protection Act Form lists the exemptions under federal law. **There is no exemption solely because you are having difficulty paying your debts.**

If you claim any exemption(s), you must (1) fill out the attached Claim for Exemption Form/Notice of Consumer Credit Protection Act Form and (2) hand deliver, or mail via First Class Mail, the original form to (a) Clerk of Court, 700 Stewart Street, Lobby Level, Seattle, WA 98101 and a copy to (b) United States Attorney's Office for the Western District of Washington, Assistant United States Attorney, Kyle Forsyth, Attn: Financial Litigation Unit, 700 Stewart Street, Suite 5220, Seattle, WA 98101, with your Request for Hearing Form. **This must be done within twenty (20) days of receipt of the Notice to Defendant/Judgment Debtor from the Clerk, United States District Court.** You have a right to a hearing within five (5) business days, or as soon as practicable, from the date you file your claim with the court.

If the United States of America as creditor is asking that your wages be withheld, the method of computing the amount of wages that are exempt from garnishment by law is indicated on the Claim for Exemption Form / Notice of Consumer Credit Protection Act Form, which is attached. You do not need to file a claim to receive this exemption, but if you believe the wrong amount is being withheld, you may file a claim for exemption.

If you request exemptions, you will be notified of the hearing date, as required. On the day of the hearing, you should come to court ready to explain why your property is exempted, and you should bring any documents that may help you prove your case. If you do not come to court at the designated time and prove that your property is exempt, you may lose some of your rights.

It may be helpful to you to seek the advice of an attorney in this matter.

I. CLAIM FOR EXEMPTION FORM
(EXEMPTIONS UNDER FEDERAL LAW (18 U.S.C. § 3613))

II. NOTICE OF CONSUMER CREDIT PROTECTION ACT FORM

NOTE: 18 U.S.C. § 3613(a), the federal statute governing liens arising from criminal fines and restitution obligations, generally incorporates the exemptions available to individual taxpayers under the Internal Revenue Service Code.

I. I claim that the exemption(s) from enforcement checked below apply in this case:

- ☐ 1. Wearing apparel and school books.--Such items of wearing apparel and such school books as are necessary for the debtor or for members of his family.
- ☐ 2. Fuel, provisions, furniture, and personal effects.--So much of the fuel, provisions, furniture, and personal effects in the debtor's household, and of the arms for personal use, livestock, and poultry of the debtor, as does not exceed **\$9,380.00** in value.
- ☐ 3. Books and tools of a trade, business, or profession.--So many of the books, and tools necessary for the trade, business, or profession of the debtor as do not exceed in the aggregate **\$4,690.00** in value.
- ☐ 4. Unemployment benefits.--Any amount payable to an individual with respect to his unemployment (including any portion thereof payable with respect to dependents) under an unemployment compensation law of the United States, of any State or of the District of Columbia or of the Commonwealth of Puerto Rico.
- ☐ 5. Undelivered mail.--Mail, addressed to any person, which has not been delivered to the addressee.
- ☐ 6. Certain annuity and pension payments.--Annuity or pension payments under the Railroad Retirement Act, benefits under the Railroad Unemployment Insurance Act, special pension payments received by a person whose name has been entered on the Army, Navy, Air Force, and Coast Guard Medal of Honor roll (38 U.S.C. 1562), and annuities based on retired or retainer pay under Chapter 73 of Title 10 of United States Code.
- ☐ 7. Workmen's Compensation.--Any amount payable with respect to compensation (including any portion thereof payable with respect to dependents) under a workmen's compensation law of the United States, any State, the District of Columbia, or the Commonwealth of Puerto Rico.

8. Judgments for support of minor children.--If the debtor is required by judgment of a court of competent jurisdiction, entered prior to the date of levy to contribute to the support of his minor children, so much of his salary, wages, or other income as is necessary to comply with such judgment.
9. Certain service-connected disability payments.--Any amount payable to an individual as a service-connected [within the meaning of Section 101(16) of Title 38, United States Code] disability benefit under--(A) Subchapter II, III, IV, V, or VI of Chapter 11 of such Title 38 or (B) Chapter 13, 21, 23, 31, 32, 34, 35, 37, or 39 of such Title 38.
10. Assistance under Job Training Partnership Act.--Any amount payable to a participant under the Job Training Partnership Act (29 U.S.C. 1501 et seq.) from funds appropriated pursuant to such Act.

II. The Consumer Credit Protection Act, at 15 U.S.C. Section 1673(a), restricts the maximum part of the aggregate "disposable earnings" of an individual which may be garnished. (The definition for disposable earnings is at 15 U.S.C. Section 1672(b).) The aggregate earnings of an individual for any workweek which is subject to garnishment may not exceed (1) 25% of his disposable earnings for the week, or (2) the amount by which his disposable earnings for that week exceed thirty times the Federal minimum hourly wage in effect at the time the earnings are payable, whichever is less.

In the case of earnings for any pay period other than a week, the Secretary of Labor should, by regulation, prescribe a multiple of the Federal minimum hourly wage equivalent in effect to that set forth under number (2), above. Please check "yes" below, if you believe this applies to your garnishment, and explain why:

Yes _____

Why _____

The statements made herein are made and declared under penalty of perjury that they are true and correct.

Defendant/Judgment Debtor Printed or Typed Name

Signature of Defendant/Judgment Debtor Date